

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TRENELL MURPHY

v.

UNITED STATES OF AMERICA

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**Civ. No. ELH-17-1836
(Related Crim. No. ELH-09-0098)**

JOINT MOTION TO REDUCE SENTENCE

Petitioner Trenell Murphy and the United States of America, by counsel, hereby jointly request, pursuant to 28 U.S.C. § 2255, that the Court grant partial relief with respect to the Petitioner's pending 2255 motion (ELH-09-0098 ECF 71) and reduce the sentence currently imposed upon the Petitioner in criminal case number ELH-09-0098. In support of this Motion, the parties state as follows:

1. The Petitioner is currently serving a 20 year sentence for a conviction of possession with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841. ECF
2. The Petitioner has filed a motion, pursuant to 28 U.S.C. § 2255, in which he asserts various issues related to alleged police misconduct. The Government does not concede that the Petitioner would be entitled to relief on those grounds.
3. Nevertheless, the parties are in agreement that the unique circumstances of this case warrant some relief under section 2255 and have prepared this joint motion to request that the Court reduce the petitioner's sentence based on a joint recommendation by the parties.
4. Section 2255(b) of Title 28 provides that, if a district court determines that a Petitioner is entitled to relief under the statute, it may vacate and set aside the conviction, discharge the prisoner, grant a new trial, or may "correct the sentence as may appear appropriate." That provision confers a "broad and flexible" power to district courts to fashion an "appropriate

remedy” in 2255 cases. *See United States v. Hillary*, 106 F.3d 1170, 1171-72 (4th Cir. 1997) (quoting *United States v. Garcia*, 956 F.2d 41, 45 (4th Cir. 1992)). In this case, and in light of the broad discretion afforded the Court here, the parties have conferred on the issues raised in the Petitioner’s anticipated Motion, on the case in general, and on the facts of the crime of which the Petitioner was convicted. Taking into consideration those circumstances, as well as the factors set forth in 18 U.S.C. § 3553(a) (setting forth the factors and purposes to be considered at sentencing), the parties have agreed to recommend that the Court grant partial 2255 relief as follows: that the sentence be reduced to by five years.

5. The parties believe that the requested, modified sentence represents a reasonable resolution of the issues raised in the Petitioner’s 2255 Motion (taking into account the Petitioner’s claims in his Motion, the government’s arguments in opposition, and the possibility of a re-sentencing in the event that the Petitioner were to prevail in the Motion). The parties also believe that the sentence recommended above is a reasonable and appropriate sentence, taking into consideration the factors, purposes and needs set forth in 18 U.S.C. § 3553(a). Specifically, the parties agree that the recommended sentence, when considered in light of the period of imprisonment the Petitioner has already served, properly accounts for the nature and seriousness of the offense, the Petitioner’s personal history and characteristics and the need for the sentence to promote respect for the law, deter future crimes by the Petitioner and by others, and protect the community from further crimes by the Petitioner. The recommended sentence, again taking into consideration the period of imprisonment already served by the Petitioner and the circumstances set forth in the Petitioner’s pending Motion to Vacate, is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. § 3553(a).

CONCLUSION

For the foregoing reasons, the United States and the Petitioner respectfully request that the Court grant partial relief with respect to the Petitioner's Motion to Vacate, as set forth above.

Robert K. Hur
United States Attorney

By: _____/s/_____
Patricia McLane
Assistant United States Attorney

_____/s/_____
C. Justin Brown, Esq.
Counsel for the Petitioner